



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Virginia Goss Tusher

Title: Significance Analysis of Microarrays

Application No.: 09/811,762

Filing Date: March 19, 2001

Examiner: Ardin H. Marschel

Group Art Unit: 1631

Docket No.: STAN.058US1

Conf. No.: 8102

San Francisco, California
March 29, 2004

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 29, 2004.

Signature 

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Dear Sir:

This is in response to the Office communication mailed on March 12, 2004 setting a period for a response expiring on April 12, 2004.

The undersigned attorney appreciates the telephonic interview granted by the Examiner, Mr. Marschel on November 12, 2003. During the interview, the undersigned attorney proposed that the restriction requirement be modified in order to combine sets I and II into a single group, on the ground that the combination would not require separate searches to be performed. Examiner Marschel disagreed, indicating that a number of differences between, for example, features of claims 1 and 23 require that each group be searched separately. No agreement has been reached in the interview.

The Office Action requires restriction to the following four groups of claims:

- I. Claims 1-22, 28-34, 44, 46, 51, 53, 54, 58, 60, and 61.
- II. Claims 23-27, 45, 52, and 59.
- III. Claims 35-38, 48, 49, 55, 56, 62, and 63.
- IV. Claims 39-43, 50, 57, and 64.

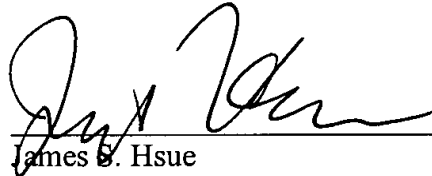
It is noted that claim 47 has been omitted from the listing of the claim in the above four groups. It is believed that claim 47 should be grouped together within the group I of claims. This response assumes that claim 47 should be in group I.

Group I containing claims 1-22, 28-34, 44, 46, 47, 51, 53, 54, 58, 60, and 61 is hereby elected for prosecution in the present application.

The Office Action further requires election between species A and B and between species C and D. We hereby elect species A. The claims that are readable on species A include claims 1-30, 33, 35-46, 48-53, 55-60 and 62-64. We also hereby elect species C. The claims that are readable on species C include claims 1-50 and 58-64.

The above elections are made without traverse.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James S. Hsue', is written over a horizontal line.

James S. Hsue
Reg. No. 29,545



41

1631

PARSONS HSUE & DE RUNTZ LLP

655 MONTGOMERY STREET, SUITE 1800 ♦ SAN FRANCISCO, CALIFORNIA 94111

Telephone: (415) 318-1160 ♦ Fax: (415) 693-0194

March 29, 2004

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant(s): Virginia Goss Tusher
Title: Significance Analysis of Microarrays
Application No.: 09/811,762 Filing Date: March 19, 2001
Examiner: Ardin H. Marschel Group Art Unit: 1631
Docket No.: STAN.058US1 Conf. No.: 8102

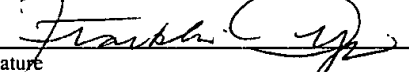
Dear Sir:

Transmitted herewith are the following documents in the above-identified application:


- (1) Return Receipt Postcard;
- (2) This Transmittal Letter;
- (3) Response to Office Action.

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 29, 2004.


Signature

Respectfully submitted,


James S. Hsue
Attorney for Applicant(s)
Reg. No. 29,545